



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Karen J. Messick
Kos Pharmaceuticals
1001 Brickell Bay drive
25th floor
Miami, FL 33131

COPY MAILED

SEP 28 2006

OFFICE OF PETITIONS

In re Application of

Gutierrez-Rocca, et al. :

Application No. 10/086,059

: DECISION ON PETITION

Filed: February 27, 2002

:

Attorney Docket No. 540591-7095.1

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 14, 2005, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on October 15, 2005.

The amendment filed January 27, 2006, is noted.

The request for an extension of time within the third month, filed January 27, 2006, is noted but cannot be granted as the request was made outside the maximum statutory period for reply and the application was already in an abandoned status. The amount of \$510.00 will be refunded, in due course.

The application is being forwarded to Technology Center 1600, GAU 1617 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions